

Remarks

Please delete the previously filed First Amendment and enter this Substitute First Amendment in its place. This Substitute First Amendment is submitted to correct a failure to underline the last two paragraphs were inserted into amended claim 1.

It is respectfully requested that claims 1 - 5 and 7 - 10 be reconsidered for allowance in view of this amendment and these Remarks. Claim 6 is cancelled and its subject matter has been added to amended claim 1. Claims 11- 14 are canceled.

Paragraphs [016] - [019] are amended as suggested by the Examiner.

The Abstract on page 9 is amended as suggested by the Examiner.

Page 10 and the "Assignment" thereon is cancelled.

Thus, withdrawal of the objection to the Specification is respectfully requested.

The drawings were objected to. Withdrawal of this rejection is requested because the specification has been amended to refer only to "cab 11".

Claims 5, 6, 9 and 14 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Accordingly, claims 5 and 9 have been amended as suggested by the Examiner, and claims 6 and 14 have been cancelled. Thus, withdrawal of this rejection is respectfully requested.

Claims 1 - 14 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Accordingly, claim 1 is amended to recite "In a non-rail off-road vehicle having an engine with a horizontally oriented rotation axis, a hood covering the engine and a cooling system, the improvement wherein the cooling system comprises". Thus, amended claim 1 positively recites an engine and a hood and provides antecedent basis for "the engine" and "the hood" in the claims depending therefrom.

Similarly, claim 7 is amended to recite "In a non-rail off-road vehicle having an engine with a horizontally oriented rotation axis, a cab, a hood forward of the cab and covering the engine and a cooling system". Thus, amended claim 7 positively recites an engine, a cab and a hood, and provides antecedent basis for "the engine", "the cab" and "the hood" in the claims depending therefrom.

Claims 1 and 7 are also amended to remove "thereof" as requested by the Examiner.

Claims 4 and 9 are amended to recite "an electrical generator is driven by the

engine”, and thus positively recites a generator.

Claim 6 was rejected as indefinite with respect to an engine air cooler “behind” the radiator. This rejection is respectfully traversed. All vehicles have a front and a rear, as does the vehicle shown in Fig. 1. Thus, in a vehicle, when a component is described as “behind” another component it clearly means that the first component is closer to the rear of the vehicle than the second component. This is clearly shown in Fig. 1 where the front of the tractor is to the left and charge air cooler 60 is clearly behind radiator 40. The Examiner’s comment as to whether the air cooler is “upstream” of the radiator is not understood. One cooler cools air, the other cools engine coolant. They must be in separate circuits. Neither is upstream or downstream with respect to the other. Thus, withdrawal of this rejection is respectfully requested.

Claims 11 - 14 were rejected as indefinite for omitting essential elements. Since claims 11 - 14 have been cancelled, this rejection should be withdrawn.

Claims 1 and 3 - 14 were rejected as indefinite for omitting essential structural relationships. This rejection is respectfully traversed with respect to pending claims 1 - 10 for the following reasons. Claims 1 and 7 clearly recite that the radiator fan unit blows air through the radiator. Claims 1 and 7 clearly recite that the charge air cooler fan unit blows air through the charge air cooler. Amended claims 4 and 9 clearly recite that the generator is driven by the engine and that the fan motor is powered by the generator. It is not understood, and the Examiner does not explain what other “necessary structural relationships” are required in order to practice the invention. Anyone with a minimum of skill in this area of technology would know how to position a cooling fan in order to have it blow air through a radiator. There are no other “necessary structural relationships” required in order to practice the invention, and this rejection should be withdrawn.

Claims 1, 2, 4 and 5 were rejected under 35 U.S.C. § 102(b) as being anticipated by Bland. Claim 6 was deemed allowable if in independent form. Accordingly, claim 1 has been amended to include the subject matter of claim 6. Thus, amended claim 1 is allowable because it is essentially claim 6 in independent form.

Claims 2 - 5 should be allowed because they now depend directly from allowable amended claim 1.

Claims 3 and 11 - 14 were rejected under 35 U.S.C. § 103 as being

unpatentable over Bland in view of Dicke. However, claims 11 - 14 have been cancelled. Claim 3 should be allowed because it depends from allowable amended claim 1.

Claims 7 - 10 were deemed allowable if revised to overcome the 112 rejections. Accordingly, claims 7 and 9 have been amended as suggested by the Examiner, and claims 7 - 10 should be allowed.

In conclusion, it is believed that this application is in condition for allowance, and such allowance is respectfully requested.

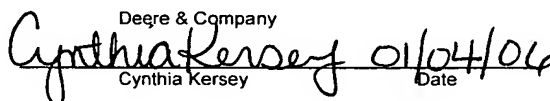
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Respectfully,


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